REMARKS

Claims 7-12 presently stand rejected under 35 U.S.C. §101 "because the claimed matter is directed to non-statutory subject matter".

The Examiner states specifically that, "Claims 7-12 define a machine-readable medium embodying functional descriptive material. However, the claim does not define a computer-readable medium or memory and is thus non-statutory for that reason." In response thereto, Claim 7 has been amended in accordance with the Examiner's suggestion.

Claims 13 and 15-17 stand rejected under 35 U.S.C. 102(e) as being anticipated by Knee et al('676). However, according to the present invention, adding a category from a first set of broadcasted programs refers to those categories provided by a media provider. In Knee, the broadcasted programs are categorized by predefined demographic categories (see Fig. 4 of Knee). For clarification, each of the independent claims have been amended to recite that the categories from a first set of broadcasted programs were those provided from a media provider. With this clarification, Claims 13 and 15-17 are not anticipated by Knee. The Section 102 rejection is therefore traversed and reconsideration is respectfully requested.

Claim 14 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Knee et al. in view of Ellis et al. However, it is respectfully urged that Claim 13 is not

obvious to a person skilled in the art since there is no teaching, suggestion or motivation in Knee to modify Ellis to utilize the categories of the broadcasted programs provided by the media provider. Rather, a combination of Knee and Ellis would at most teach one to include the interactive program guide of Ellis with Knee's pre-assigning of demographic categorizes to programs (whether or not the programs are weighted), thereby teaching away from the present invention. Applicant therefore urges that a prima facie showing of obviousness has not been set forth. The Section 103 rejection is therefore traversed and reconsideration is respectfully requested.

Claims 1, 4, 5, 7, 10 and 11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over McClard in view of Knee et al. However, McClard teaches using a viewer's past reception history to determine the highest reception frequency of the viewer which is then used to determine the next channel to be tuned to upon the viewer's selection of a Favorites Channel button (or a Favorites Category button). As conceded by the Examiner, McClard fails to teach the functionality of then using such highest reception frequency to determine a demographic profile. As noted above, Knee's broadcasted programs are categorized by predefined demographic categories, not from categories provided by a media provider. Therefore, the combination of McClard with Knee would not teach, motivate or suggest to one skilled in the art to modify the highest reception frequency of McClard

with the predefined demographic categories of Knee. The Section 103 rejection is therefore traversed and reconsideration is respectfully requested.

Claims 2, 3, 8 and 9 presently stand rejected under 35 U.S.C. 103(a) as being unpatentable over McClard in view of Knee further in view of Ellis. Likewise, Claims 5, 6, 11 and 12 are alternatively rejected under 35 U.S.C. 103(a) as being unpatentable over McClard in view of Knee further in view of Ohkura.

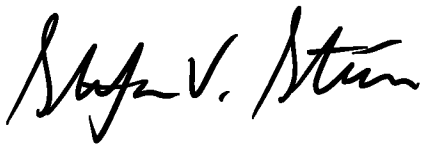
As noted above, Knee's ('676) broadcasted programs are categorized by predefined demographic categories. Thus, for the reasons expressed above, the asserted combinations would not teach, motivate or suggest to one skilled in the art to modify the highest reception frequency of McClard with the predefined demographic categories of Knee. Therefore, neither Ellis' interactive program guide that displays an advertisement (or Ellis' transmission to a head end) nor Ohkura's removal of categories (or verification of an addition) could render Claims 2, 3, 5, 6, 8, 9, 11 and 12 obvious to one skilled in the art. The Section 103 rejection is therefore traversed and reconsideration is respectfully requested.

Finally, Claims 13, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander in view of McClard; however, these claims are canceled and therefore the rejection of them is moot.

All grounds of objection and rejection having been overcome by the amendments hereinabove, reconsideration and a Notice of Allowance is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required at any time during the prosecution of this application without specific authorization, or credit any overpayment, to Deposit Account No. 50-1667.

Respectfully submitted,



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